

COUNTY COMMISSIONERS' MEETING
NIOBRARA COUNTY, WYOMING
JULY 3, 2012

The Niobrara County Commissioners' meeting was called to order on July 3, 2012 at 9:00 a.m. Those in attendance were Chairman Richard A. Ladwig, Commissioners Arlene Zerbst Rapp, Greg B. Starck, and County Clerk Becky L. Freeman.

Chairman Ladwig adjourned the regular meeting and called a public hearing to order to receive public comment on a change of zoning application for Ivan Eddy on land located in T33N, R66 W, Section 32: W1/2. Mr. Eddy is requesting a change of zoning from agricultural to commercial for the purpose of leasing ground to Verizon Wireless to install a cell phone tower. Irene Cook with Closser Consulting, LLC., a land use consultant company, landowner Ivan Eddy, Road and Bridge Foreman Fred Thomas and Rob Adams were in attendance.

Ms. Cook spoke in favor of the zoning change and encouraged the Commissioners to approve it as the tower would improve cell service from I-25 to Lusk, and she believes it is in the best interest of the public's health and safety.

Commissioner Starck asked why the tower was being constructed at the proposed location and Ms. Cook stated that it is Verizon's plan to have service where gaps currently exist. She further explained the process to determine what site location is best as far as where dropped calls occur, connection with other towers in the area among other things.

Commissioner Zerbst Rapp inquired about the requirements to get a cell phone tower installed. Ms. Cook explained that it depends on how close towers and telephone lines are and the distance from the highway and possible connectivity.

Chairman Ladwig asked about the need for an approach at the proposed location and Mr. Eddy said there is kind of one there now and Foreman Thomas was okay with it as well.

There being no further comments, Chairman Ladwig reconvened the regular meeting at 9:09 a.m.

Change of Zoning Application- Commissioner Zerbst Rapp moved, seconded by Commissioner Starck, to approve the application. MOTION CARRIED.

Rob Adams, Right of Way Supervisor for Coates, representing ONEOK Bakken Pipeline, LLC., met with the Commissioners to discuss zoning requirements for the installation of a booster station for ONEOK Bakken Pipeline, LLC's 12" interstate natural gas liquids pipeline.

The group then went on to discuss road repairs and signing associated with the construction of this pipeline. They also discussed whether or not ONEOK could complete a phase of work if they are in the middle of it and then stop until the zoning application is approved. The Commissioners agreed to this.

County Attorney- County Attorney Doyle J. Davies met with the Commissioners and Wylie and Susan McGuire, Patrick Miller and Rex Groves to discuss the Lance Creek Water & Sewer District's board status and appoint new board members. Chairman Ladwig stated he had received a list of names of people that were interested in serving on the board until the next election. The names were Dennis Vetter, Rex Groves, Patrick Miller, Wylie & Susan McGuire, Chris Jensen, and Harold Miller.

Executive Session- Commissioner Starck moved, seconded by Commissioner Zerbst Rapp, to enter into Executive Session at 10:26 with County Attorney Doyle Davies to discuss personnel issues. The regular session reconvened at 10:45 a.m. No action was taken.

Chairman Ladwig asked the audience if they had any comments before voting began and Rex Groves stated he thought that there should be no family members or husbands and wives serving on the board and Pat Miller stated he thought that anyone who wanted to serve should be able to. A roll call vote was then taken with the following results: Chris Jensen, all naves, Dennis Vetter all ayes, Harold Miller all ayes, Patrick Miller all ayes, Rex Groves, all ayes, Susan McGuire- Richard and Arlene nay, Greg aye, Wylie McGuire- Richard and Arlene aye, Greg nay.

After tallying results, the individuals appointed to serve on the Lance Creek Water & Sewer District were Dennis Vetter, Harold Miller, Patrick Miller, Rex Groves and Wylie McGuire.

The Commissioners and County Attorney Davies then went on to discuss establishing a fire ban in Niobrara County.

Chairman Ladwig stated that he had a conversation with Niobrara County Fire Warden Mark Bruegger and Mr. Bruegger recommended instituting an open fire ban in Niobrara County.

He also stated that he had spoken to the group conducting the fireworks show on the 4th and she stated she had contacted her supplier and asked what fireworks could be used. He gave her a list of what should NOT be used. Also, if there are to be fireworks at the fairgrounds and the wind is blowing at 8:30 they will call off event. This will apply if there is no fire truck available.

Commissioner Zerbst Rapp stated she agrees with a fire ban, but doesn't feel that there is much that can be done on fireworks due to the lateness of the ban. She asked Mr. Davies about the county's liability if the commissioners do not to implement a fire ban.

Commissioner Starck asked about notification and how to let people know what is transpiring. He also thinks that the county should ban setting off fireworks in the county with the exception of the commercial fireworks at the fairgrounds.

The Commissioners and County Attorney Davies then discussed a letter received from a landowner regarding county roads and damages sustained to their vehicle as a result of the county road conditions and what action should be taken. Mr. Davies will respond to the individuals.

Elected Officials & Dept. Heads- The elected officials met with the Commissioners and discussed office operations. Sheriff Zerbe informed them that staff had gone to Sublette County to pick up three 2009 Dodge pickups from the sheriff's department. He also stated that he would be selling the older pickups currently being used.

Commissioner Starck updated the group on the electrical inspection for the energy retrofit project and the shooting sports complex.

Abandoned Vehicle Storage Lot- Road & Bridge Foreman Fred Thomas, Sheriff Rick Zerbe and County Attorney Doyle J. Davies met and discussed abandoned vehicle statutes and the need for a secured abandoned vehicle storage lot.

Minutes- Commissioner Zerbst Rapp moved, seconded by Commissioner Starck, to approve the Minutes of the June 15, 2012 meeting. MOTION CARRIED.

The Commissioners acknowledged receipts for the month of June from the County Clerk for \$4,912.75; from the Sheriff for \$505.00 and from the Clerk of Court for \$364.20.

University of Wyoming Memorandum of Understanding- Commissioner Starck moved, seconded by Commissioner Zerbst Rapp, to approve the MOU between the University of Wyoming and Niobrara County. MOTION CARRIED.

Department of Revenue- The Commissioners received a Notice of Valuation Change for Timberline Production Co., Inc. for tax years 2008, 2009, and 2010, resulting in a decrease in taxable valuation of \$1,092,51.

Rebate of Taxes- Commissioner Zerbst Rapp moved, seconded by Commissioner Starck, to approve the petition for rebate of taxes for Timberline Production Co., LLC. for tax years 2008, 2009 and 2010 in the amount of \$1,092.51, rebate # 301. MOTION CARRIED.

Official Bond & Oath- Commissioner Zerbst Rapp moved, seconded by Commissioner Starck, to approve the official bond and oath for Danny W. Cushman as Treasurer of the Niobrara County Hospital District. MOTION CARRIED.

Catering Permits- Commissioner Starck moved, seconded by Chairman Ladwig, to approve four catering permits for Paleo Park to sell alcoholic beverages at the Niobrara County Fairgrounds on July 5, 6, & 7, 2012 for the Legend of Rawhide Dance and on July 21, 2012 for the Lang wedding reception. MOTION CARRIED. Commissioner Zerbst Rapp abstained from voting.

Guardian Ad Litem Memorandum of Understanding- Commissioner Zerbst Rapp moved, seconded by Commissioner Starck, to approve the MOU between the State of Wyoming, Office of the State Public Defender, Wyoming Guardians Ad Litem Program and Niobrara County. MOTION CARRIED.

RESOLUTION 12-08- Commissioner Starck moved, seconded by Commissioner Zerbst Rapp, to approve RESOLUTION 12-08, A RESOLUTION CLOSING NIOBRARA COUNTY DUE TO FIRE DANGER. MOTION CARRIED. A complete copy of the resolution is on file in the Clerk's office.

RESOLUTION 12-08 AMENDED- Commissioner Starck moved, seconded by Commissioner Zerbst Rapp, to amend RESOLUTION 12-08 to include an exemption from the ban for the Legend of Rawhide performance. MOTION CARRIED.

Payroll and the following vouchers were approved for payment:

There being no further business, the meeting adjourned.

NIOBRARA COUNTY COMMISSIONERS

Richard A. Ladwig
Richard A. Ladwig, Chairman

Attest:
Becky L. Freeman
Becky L. Freeman, County Clerk

The seal of Niobrara County, Wyoming, is circular with a double-line border. The outer ring contains the text "STATE OF WYOMING" at the top and "NIOBRARA COUNTY" at the bottom. The inner ring contains the word "COUNTY" at the top and "WYOMING" at the bottom. The center of the seal features a five-pointed star.